

Bill No. 3-04
Concerning: Procurement—Use of
County Funds
Revised: 3/27/04 Draft No. 1
Introduced: March 2, 2004
Expires: September 2, 2005
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Knapp, Denis, Floreen, Leventhal, and Perez

AN ACT to:

- (1) prohibit the use of County Government funds appropriated for a contract for services or a grant award from being used to assist, promote, or deter union activity or organizing;
- (2) provide exceptions for certain contractors, grantees, and activities;
- (3) require a contractor or grantee to affirm that County funds will not be used to assist, promote, or deter union activity or organizing;
- (4) require a contractor or grantee to maintain certain records;
- (5) provide enforcement and penalty provisions; and
- (6) generally amend the law governing procurement.

By adding:

Montgomery County Code
Chapter 11B, Contracts and Procurement
Section 11B-33B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 11B-33B is added as follows:

11B-33B. Use of County Funds.

- (a) Use of Funds. County funds appropriated for a contract for services or a grant award must not be encumbered or used to assist, promote, or deter union activity or organizing. Nothing in this Section shall be construed to prohibit the expenditure of County funds appropriated for a contract for services or a grant award on the negotiation or administration of a collective bargaining agreement.
- (b) Exceptions to Coverage. This Section does not apply to a contractor or grantee, who at the time a contract is signed, has received less than \$50,000 from the County in a 12-month period.
- (c) Specific Restrictions. County funds must not be used to:
- (1) prepare, mail, or otherwise distribute materials related to union activity or organizing;
 - (2) hire an attorney or a consultant to assist, promote, or deter union activity or organizing;
 - (3) encourage or discourage an employee from taking a position on union organizing in the workplace;
 - (4) prevent a labor organization or its representatives from accessing an employer's facilities or property;
 - (5) encourage or discourage a program manager, policy council, committee, or community or parent group from assisting or participating in a union activity or organizing.
- (d) Enforcement.
- (1) The Chief Administrative Officer must require each contractor or grantee to:
 - (A) Certify that the contractor or grantee will not expend County funds

to assist, promote, or deter union activity or organizing and will
comply with the requirements of this Section.

(B) Keep and submit any records necessary to show compliance. A
contractor or grantee must provide these records upon request.
These records must be made available to the public at a reasonable
time.

(2) The Chief Administrative Officer must enforce this Section and
investigate any complaint of a violation.

(e) Penalty. A contractor or grantee must pay the County the amount of funds
expended in violation of this Section, and a reasonable attorney's fee.

Approved:

Steven A. Silverman, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date